

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MARLON L. SIAS,

CIVIL NO. 04-3832 (JNE/JSM)

Plaintiff,

v.

ORDER

FRED OTTO HERZOG, et al.,

Defendants.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron, dated July 25, 2006. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, IT IS HEREBY ORDERED that:

1. Defendant Byron Nernoff's Motion for Summary Judgment [Docket No. 40] is **GRANTED**.
2. Defendant Fred Otto Herzog's Motion to Dismiss [Docket No. 41] is **GRANTED**.
3. Counts One through Six against Herzog, and Count Two against Nernoff are **DISMISSED WITH PREJUDICE**.
4. Count Two against Nernoff is **DISMISSED WITH PREJUDICE**.
5. Counts Seven through Ten against Herzog and Nernoff are **DISMISSED WITHOUT PREJUDICE**.

Dated: August 21, 2006

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Court Judge